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**TELEFAX COVER SHEET**

<b>TO:</b> Examiner C. Michelle Colon	<b>FROM:</b> Howard A. MacCord, Jr. / Reg. No. 28,639
<b>ORGANIZATION/FIRM:</b> US PTO / Art Unit 3623	<b>DATE:</b> August 31, 2006
<b>FAX NUMBER:</b> (571) 273-8300	<b>RECIPIENT'S PHONE NUMBER:</b>
<b>TOTAL # OF PAGES</b> (Including Cover): 6	<b>YOUR E-MAIL ADDRESS:</b>
<b>RE:</b> Amendment After Filing Of Appeal Brief; Serial No. 09/837,076; Filed on April 18, 2001; Confirmation No. 8330; For PERFORMANCE-BASED TRAINING ASSESSMENT; Our File No. 7438-001	

NOTES/COMMENTS:

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David D. Hadden

Serial No.: 09/837,076

Filed: April 18, 2001

Confirmation No.: 8330

Examiner: Colon, C. Michelle

Art Unit: 3623

For: **PERFORMANCE-BASED TRAINING ASSESSMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**AMENDMENT AFTER FILING OF APPEAL BRIEF**

Please amend this application as indicated. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 501923.

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1-3. (Cancelled)

4. (Previously Presented) The method of Claim 31 further comprising:  
analyzing a difference between a required skill level for the role and the measured skill level of the individual; and  
determining if training is necessary to raise the skill level to the required skill level.

5. (Cancelled)

6. (Previously Presented) The method of Claim 31 further comprising:  
comparing the measured skill levels of the individual before and after the event occurrence; and  
correlating any difference between the measured skill levels of the individual before and after the event occurrence with the ability of the individual to carry out the defined performance.

7. (Previously Presented) The method of Claim 31 further comprising:  
comparing the measured skill level of the individual before and after the event occurrence with the first and second actual performance metrics; and

determining a result of changes in the measured skill level of the individual before and after the event occurrence on the ability of the individual to carry out the defined performance.

8-30. (Cancelled)

31. (Currently Amended) A method comprising steps performed by a computer including

defining a role having a measurable performance and a separately measurable skill, in which an improvement of the skill at least plausibly improves the performance;

associating an individual with the role;

before the occurrence of an event that may increase a skill level of the individual wherein the event occurrence is a training event bearing on the actual skill level of the individual, measuring the individual's skill to determine a skill level and measuring the individual's performance as a first actual performance metric;

after the occurrence of an event, assessing the individual's performance as a second actual performance metric;

analyzing a relationship between the first and second actual performance metrics and the skill of the individual before and after the event occurrence on a computer; and

determining whether the event occurrence increased the performance of the individual based at least partially on the relationship between the first and second actual performance metrics and the skill of the individual;

measuring a first actual performance metric for the performance of a second individual before the training event;

measuring a second actual performance metric for the performance of the second individual after the training event, wherein the second individual is not subjected to the training event;

comparing the first and second actual performance metrics of the second individual with the first and second actual performance metrics of the individual to determine effectiveness of the training event on the actual skill level;

identifying an increase between the first and second actual performance metrics of the individual and the second individual; and

indicating an influence other than the training event causing the increase between the first and second actual performance metrics of the individual and the second individual.

32-33. (Cancelled)

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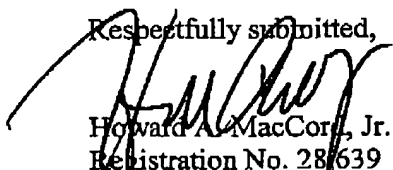
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Remarks

The examiner called the undersigned and said that as a result of the Appeal Conference, the PTO would allow claim 31 if the recitations of claims 8 and 9 were added to it. This amendment does so. Accordingly, this application is in condition for allowance, and same is earnestly solicited. In the event that allowance is not forthcoming, applicant will elect to reinstate the appeal with the claims as they were before this amendment. If the examiner has any issues regarding this, she is requested to telephone the undersigned.

Respectfully submitted,



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Date: August 31, 2006  
File No. 7438-001

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